

FEDERAL THEORIGA CONTROLLEGO 2012 MAY 22 ANTH: 05

OFFICE OF DERERAL

May 21, 2012

## Via Federal Express

Mr. Jeff S. Jordan
Supervisory Attorney
Complaints Examination & Legal Administration
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Re: Matte

Matter Under Review 6563

Campaign for Primary Accountability, Inc. and Jonathan Martin, Treasurer

Dear Mr. Jordan:

The Campaign for Primary Accountability, Inc. ("CPA") and its Treasurer, Jonathan Martin, received notice of the complaint in this matter on May 7, 2012. Enclosed is the Designation of Counsel form authorizing me to represent CPA and Mr. Martin in this matter.

Established Commission policy and due process demand that, before a party is required to respond to a complaint, and to, as your letter indicates, affirmatively "demonstrate in writing that no action should be taken against" it, that party has a right to be fully apprised of articulate allegations of wrongdoing. According to 2 U.S.C. § 437g(a)(1), a party is entitled to be notified when it has been alleged to have committed a specific violation in a complaint lodged with the Commission:

Within 5 days after receipt of a complaint, the Commission shall notify, in writing, any person alleged in the complaint to have committed such a violation. Before the Commission conducts any vote on the complaint, other than a vote to dismiss, any person so notified shall have the opportunity to demonstrate, in writing, to the Commission within 15 days after notification that no action should be taken against such person on the basis of the complaint.

(emphasis added).

The notice received by CPA does not comply with 2 U.S.C. § 437g(a)(1) because the enclosed complaint does not articulate any legal violation by CPA. The complaint does not allege any actions by CPA, or cite to any legal violation by CPA, or even name CPA as a

E-mail: Lee.Goodman@leclairryan.com

Direct Phone: 202.659.6730 Direct Fax: 202.775.6430 1101 Connecticut Avenue, NW, Suite 600 Washington, D.C. 20036 Phone: 202.659.4140 \ Fax: 202.659.4130

CALIFORNIA \CONNECTICUT \MASSACHUSETTS \MICHIGAN \NEW JERSEY \ NEW YORK \ PENNSYLVANIA \VIRGINIA \WASHINGTON, D.C.

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respondent. Therefore, CPA is unable to respond in any meaningful way to the complaint or make the kind of demonstration referenced in your letter.

The statutes referenced in the complaint do not apply to CPA and its conduct. CPA is neither a federal candidate nor officeholder. Nor is CPA controlled or maintained by any federal candidate or officeholder. CPA is a federal political committee established pursuant to Citizens United and SpeechNow that operates independently of any of the other parties referenced in the complaint. CPA makes only independent expenditures and reports its contributions and expenditures to the Commission.

The complaint merely alleges that CPA was the recipient of a lawful contribution. CPA was legally entitled to receive the contribution alleged in the complaint, and CPA reported receipt of the contribution on its April 2012 report.

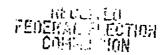
Because there is no allegation that CPA took any action other than receiving a legal contribution, and no legal violation by CPA is expressly or implicitly alleged in the complaint, the Commission must withdraw the notice or, alternatively, take no further action against CPA and summarily dismiss CPA as a respondent in this matter.

Sincerely,

Lee E. Goodman.

Enclosure

cc: Mr. Jonathan Martin





2012 MAY 22 AN II: 06 FEDERAL ELECTION COMMISSION

999 E Street, NW

Washington, DC 20463

OFFICE OF GENERAL COUNSEL

## Please use one form for each Respondent/Entity/Treasurer FAX (202) 219-3923

MUR # 656	3	
NAME OF COUN	ISEL: Lee E. Goodman	
FIRM: LeCla	airRyan, a Professional Corpo	ration
ADDRESS:	L101 Connecticut Ave., NV. 6c	h Floor
· · · · · · · · · · · · · · · · · · ·	Washington, DC 20036	
TELE	PHONE- OFFICE ( 202) 659-6730	·
	FAX ( 202) 775-6430	
Acc.		
authorized to re to act on my bel	rd-named individual and/or firm is hereby eceive any notifications and other common half before the Commission.	
Date	Respondent/Agent-Signature	Title(Treasurer/Candidate/Owner)
NAMED RESPO	NOENT: Campaign for Primary	Accountability, Inc.
MAILING ADDR (Please Print)	ESS: 3900 Essex Lane, Sui	te 250
•	/ Houston, TX 77027	
TELE	PHONE-HOME (	<del></del>

Information is being sought as part of an investigation being conducted by the Federal Election Commission and the confidentiality provisions of 2 U.S.C. § 497g(a)(12)(A) apply. This section prohibits making public any investigation conducted by the Federal Election Commission without the express written consent of the person under investigation